THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.23607 of 2006

Dated: 13th November, 2006

Between :-

Sree Ganapathi Leathers,
14-3-6, 2nd Line, Pothurivarithota,
Guntur, A partnership firm,
Rep. by its Partner R.M.Ramanadham ..
Petitioner

And

The Health Officer,
Municipal Corporation, Guntur and another
..Respondents

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ORDER:-

1. The matter is coming up for *admission* today.

2. Sri Badeti Venkat Ratnam takes notice on behalf of respondents.

3. Sri G.Peda Babu, the learned Counsel representing the writ petitioners would contend that the impugned notices were issued respondents 1 and 2 purporting to be under Sections 622 (4) of the Hyderabad Municipal Corporation Act 1955 without giving any opportunity to show cause and without calling for any explanation and hence, the same is violative of principles of natural justice.

4. The learned standing Counsel Sri Badeti Venkat Ratnam would submit that in view of the facts and circumstances of the case, let the impugned notices be treated as show cause notices and the petitioners be given liberty to raise objections in relation thereto and on consideration of such objections, the respondents to pass appropriate orders.

5. It is stated that the petitioners have been doing

hides and skin business since generation at Pothurivarithota of Guntur and they all are residing at Pothuvarithora. It is also stated that the petitioners purchased animal skis from Kabelas and apply salt to those and pack and export those skins to the Tanners mostly to Tamilnadu. It is further stated that the petitioners had their Offices-cum-Godowns mostly owned at Pothurivarithota of Guntur and most of them are residing in the same premises and they used their Offices-cum-Godowns for applying the salt to the skins and for packing and storing. It is also further stated that since the time of their Grandfather, they have been in the said business in the same place and it do not cause any inconvenience or ill-health to any of the residents and nobody objected the same since decades. It is also stated that the Guntur Municipality or Guntur Municipal Corporation have been collecting licence fee every year from all of the petitioners for D&O Trade Licence and the available licence fee payment receipts are herewith filed. It is also stated that while so respondents 1 and 2 issued cyclostyle notices dated 9-11-2006 to the petitioners stating that the petitioners are storing and doing business in Animal Skins without obtaining D&O Trade licence under Section 521(1) of the Hyderabad Municipal Corporation Act 1955,

and allowing the blood coming from those skins into drainage canals and thereby causing nuisance or damage to public health from the foul smell coming from it and the same is an offence and asking the petitioners to stop their businesses within 3 days and vacate the premises immediately and obtain necessary licence and do the business away from residential locality and if the petitioners fail, the respondents will come and execute the same. It is also further stated that the petitioners purchased cleaned animal skins and they do not contain any blood or meat and as such the question of blood coming out from the skins do not arise and the allegation in that regard is false. It is also stated that all the petitioners have been residing in the same plaint schedule or locality and when the petitioners are not facing or feeling any inconvenience or ill-health, the question of feeling by others do not arise and they have been in this business in the same locality for the last more than 100 years and the local body has been collecting licence fee every year and as such to allege that they have not obtained the D&O Trade Licence is incorrect and misleading. It is further stated that it shall be deemed that the petitioners have been issued the said licence as otherwise the question of collecting the fee do not arise. It is also stated that even otherwise no notice and

explanation was called for before issuing the impugned notice to the petitioners and it clearly violates the principles of natural justice even though it is styled as notice as in fact it is an order without notice and explanation. It is also further stated that if the respondents are allowed to execute the impugned notice, the petitioners shall suffer irreparable loss and injury by loosing their livelihood. It is also stated that impugned notice was served on the petitioners at 7.00 p.m., on 9-11-2006 and they got issued a lawyer's notice dated 13-11-2006.

6. In view of the facts and circumstances explained, the writ petitioners are given liberty to raise objections within a period of three weeks from today and the respondents to consider such objections which may be raised by the writ petitioners and take appropriate decision in relation thereto in accordance with law. It is needless to say that the impugned notices to be treated as show cause notices giving opportunity to the petitioners to raise the objections already referred to supra.

7. Accordingly, the Writ Petition is allowed to the extent indicated above. No order as to costs.

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Justice P.S.Narayana

13th November, 2006

Note:- C.C. by 14-11-2006

(B/o. SMR)